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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,236	01/22/2004	Chiang-Lin Hsueh	HSUE3007/EM	2029
23364	7590	08/09/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,236

Applicant(s)

HSUEH, CHIANG-LIN

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on May 27, 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-10 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,385,374 to Fann et al (Fann) in view of US Pat No 6,598,440 to Armstrong.

Regarding claim 1, Fann discloses a lock comprising a handle assembly including a rose liner (1) and a spindle (K). The rose liner includes two positioning posts (11).

A latch housing (E) includes two positioning holes (L) and an actuating wheel (M). A distance between the positioning holes is not equal to a distance between the positioning posts of the rose liner (Fann explains that an object of the invention is to give more strength to the assembly in order enhance the protection offered by the assembly. Because the cross-sectional size of the posts is limited by the size of the holes of the latch housing in the Prior Art, the distances are equal. However, by increasing the cross-sectional size of the posts, the distance will not be equal, because the posts can not fit in the holes, and having the posts at right angles, Fann will enhance protection offered by the assembly). The actuating wheel has a non-circular hole.

The lock further includes an adaptor plate (2) that includes an axial hole (24), two positioning holes (22) and two pegs (21). The spindle extends through the axial hole of the adaptor plate and the non-circular hole of the actuating wheel.

A distance between the positioning holes (22) of the adaptor plate is equal to the distance between the positioning posts (11) of the rose liner, allowing the positioning posts of the rose liner to respectively extend through the positioning holes of the adaptor plate.

A distance between the pegs (21) of the adaptor plate is equal to the distance between the positioning holes (L) of the latch housing, allowing the pegs to respectively extend through the positioning holes of the latch housing.

However, Fann fails to disclose that the adaptor plate further includes at least one leg extending from the periphery of the adaptor plate and abutting against the rose liner, thereby retaining the adaptor plate in place. Fann discloses that the adaptor plate (2) is retained against the rose liner (by means of 13 and 23).

Armstrong teaches that it is well known in the art to have an adaptor plate (60) that includes at least one leg (116) extending from the periphery of the adaptor plate and abutting against a rose liner (54), thereby retaining the adaptor plate in place.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the adaptor plate presented by Fann with at least one leg, as taught by Armstrong, in order to retain the adaptor plate in place.

As to claim 2, although Fann invention discloses that the other handle assembly includes another rose liner having two additional positioning holes, Fann also

teaches that it is well known in the art to have another handle assembly wherein it includes another rose liner having two positioning holes (J) that will receive the positioning posts (I) of the first handle assembly (Prior Art, Figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art to have the other handle assembly with two positioning holes, since it is considered as a design consideration within the skill in the art.

As to claims 3 and 4, Fann discloses that the distance between the positioning holes of the latch housing is different than the distance between the positioning posts of the rose liner (since Fann intention is to increase the cross sectional size of the post, the posts will not fit because the distance has been changed).

As to claim 5, Fann discloses that each positioning hole of the adaptor plate is a through-hole.

As to claim 6, Fann discloses that each positioning hole of the latch housing is a through-hole.

As to claim 7, Fann illustrates that each positioning hole of the adaptor plate has an open side.

As to claim 8, Fann illustrates that each positioning hole of the latch housing has an open side.

As to claim 9, Fann, as modified by Wahlberg, discloses that the at least one leg is fixed to the rose liner by one of snapping, screwing, welding, and heat pressing.

As to claim 10, Fann illustrates that the respective positioning hole (22) of the adaptor plate is at 90 degrees with the respective peg (21) of the adaptor plate.

Response to Arguments

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection in view of Fann, as modified by Armstrong.

Conclusion

5. Applicant's amendment, that the at least one leg projects from the periphery of the adaptor plate, claim 1 lines 8 and 9, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

Art Unit: 3676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.
Carlos Lugo
AU 3676

August 1, 2005.



BRIAN E. GLESSNER
PRIMARY EXAMINER